

**Amendments to the Drawings:**

The attached sheets of replacement drawings replace all original sheets. These replacement figures are larger than those originally filed in order to better show the claimed structures, as requested by the Examiner. Reference numeral “1” has been added to Figure 1. Reference numerals 239 and 250 have been added to figures 7, 8, and 12. The shading has been removed from figures 13 and 15. No new matter has been added.

Attachments: Replacement Sheets

Annotated Sheets Showing Changes

## Remarks

### **I. Introduction**

Upon entry of the present amendment, claims 22-26, 28-32, 34-36, and 41-43 will be pending in this application. Claims 22-26, 28-29, 32, and 41-42 have been amended to clarify certain aspects of the invention. New claim 43 has been added, support for which appears at pages 2, 10-11. No new matter has been added. Claims 27, 33, and 37-40 have been canceled without prejudice. Based on the following remarks, Applicants respectfully request reconsideration.

### **II. Drawings**

The Examiner has objected to the drawings, stating that it is hard to see the details of the claimed invention because of the small size/crowding of the drawings or dark shading. Applicants submit replacement figures 1-15, which are believed to address the Examiner's concerns.

The Examiner has also objected that wings (52) shown in Figure 4 do not appear to correspond to the description of wings in the written description, making the structure of wings somewhat unclear. Without acquiescing to the Examiner's position, Applicants have amended the claims and specification to refer to "wings" as "side parts" in order to advance the prosecution of the application and address the Examiner's concerns.

The Examiner also states that collar (207) shown in Fig. 7 appears to point to an attachment means for connecting the strap to the mask, not a structure corresponding to a location of a guidance member on the shield (which is also not in the drawings). Without acquiescing to the Examiner's position, Applicants have amended the claims and

specification to refer to the “collars” as “sleeves” in order to advance the prosecution of the application address the Examiner’s concerns.

The Examiner has also objected to the figures as not showing the locking indicator of the claims. Applicants have amended the claims so that the locking indicator refers to the push button 84, as shown in figures 1 and 2. The push button performs as a locking indicator because it is integral with the pressure surface 70 of inner rod 62 of nipple 56 slidably mounted in the shield 6 and cooperating (or not) with the first ramp 32 of the mask 2 to move from the locked position to the unlocked position.

### **III. Specification**

The Examiner has objected to the specification as not having appropriate headers. Appropriate corrections has been made.

Other typographical errors, reference numeral corrections, and clarifications have been made. For example, the specification and claims have been amended to change “wings” to “side parts” and to change “collar” to “sleeve.” Amendments have also been made to change “locking nose” to “attachment nose 250” in order to be consistent with other areas of the specification.

Regarding the wings/side parts (52), although the components are an inverted V-shape in one embodiment, such a shape is not required and appropriate correction from “wings” to “side parts” has been made. Support for the change appears in the figures, particularly figure 4.

Regarding the collar/sleeve (207), the elements are tubular elements surrounding parts of the harness straps, and they facilitate insertion of the guidance members 239 under the straps 205. Support for the change appears in the figures, particularly at figure 7.

**IV. 37 CFR § 1.75(c)**

The Examiner has objected to claims 25-27 under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Appropriate correction has been made. Claim 27 has been canceled without prejudice.

The Examiner has also objected to the claim 32, stating that “the interior” should be changed to “an anterior,” and claim 37, stating that “the level” should be changed to “a level.” Appropriate correction has been made. Claim 37 has been canceled without prejudice.

**V. 35 U.S.C. § 112**

The Examiner has rejected claims 37 and 39 under 35 U.S.C. § 112 first paragraph as failing to comply with the enablement requirement. The Examiner is unsure of how the collars work to facilitate insertion of the guidance members under the straps because the structure of the collar is not discussed or shown in the drawings.

The Examiner has also rejected claim 40 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner’s position is that lines 17-20 and 21-23 recite the same limitation.

Without acquiescing to the Examiner’s positions, the rejected claims have been canceled without prejudice.

## VI. 35 U.S.C. § 101

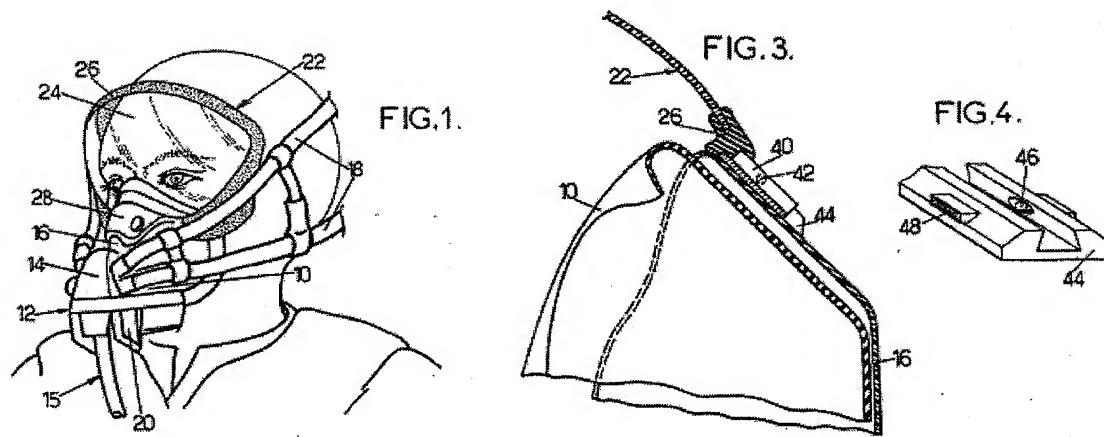
The Examiner has rejected claim 28 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter by positively claiming “user’s nose bridge” and “user’s face.” The Examiner has suggested adding “adapted to” language. Appropriate correction has been made.

## VII. 35 U.S.C. § 102

### A. Dubruille

The Examiner has rejected claims 22-23, 28-30, and 32-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,630,412 to Dubruille et al. The Examiner’s position is that Dubruille discloses the claimed invention. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

This invention is an improvement over the design of Dubruille, which is discussed on the first page of this application. The Dubruille mask is positioned by providing a screen 22 that has a fixing block with a slide 40. The slide 40 is received in the slideway 44 of the shell 16.



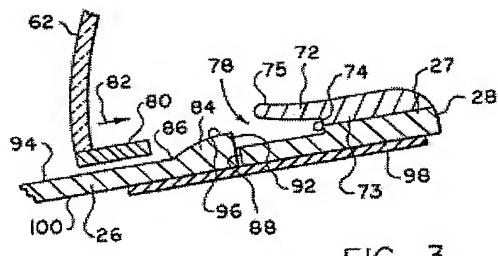
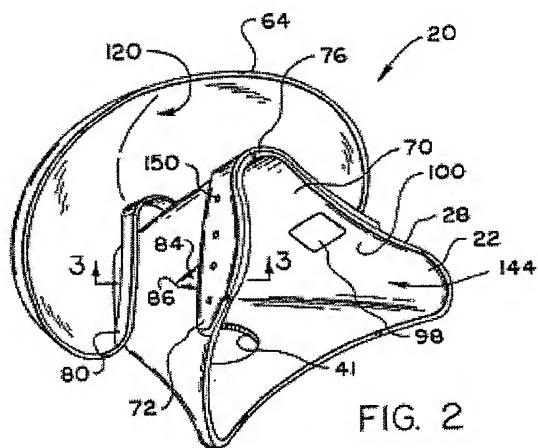
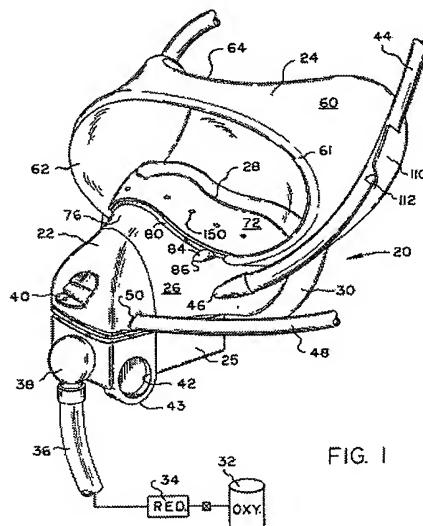
The displacement of the lock element and the screen with respect to the mask occurs once the shield is brought closer to the mask and the movement is directed away from the user's face, along the upper ridge of the mask shell that covers the user's nose, i.e., it is substantially along the upper bridge of the user's nose. In other words, the engagement begins closer to the user's face and moves outwardly. The incline is from the top and inside of the mask toward the bottom and outside of the mask, i.e., from the user toward the space in front of the user, i.e., away from the mask. The sliding component of the attaching is outwardly sloping away from the user's face; note the outwardly sideways slope of Figure 3 shown above.

By contrast, claim 22 of the present invention recites that the movement for engaging and interlocking the first and second lock elements is a movement that brings the shield closer to the user's face as it is being secured. Its attachment direction has a downward component that is directed along a first oblique direction oriented toward an inside of the mask. Support for this amendment appears in the specification at pages 2, the claims as originally filed, and in figures 2, 3, and 8 which show oblique direction "Z." The user can bring the shield in front of his/her eyes and press it downwards onto the mask in order to secure it to the mask. That is, by using a pressure component directed downwards oriented toward the inside of the mask and onto the mask, the securing of the shield and mask takes place in a way that is more natural to the user.

## B. Sword

The Examiner has rejected claims 22-24, 30-33, 35-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,401,716 to Sword. The Examiner's position is that Sword discloses the claimed invention. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Sword goggles are also attached to the mask using a movement quite different from the claimed invention. The goggles 24 have a bottom part presenting a tongue 80 that protrudes toward the inside face of goggles 24 in order to engage a groove 74 in a flap 72 covering the upper part of the enclosure 26.



Buttons 84 are inwardly flexible so they collapse inwardly, allow the passage of tongue 80 to penetrate groove 74, and are elastically reset to their initial positions to block tongue and keep it in groove.

As a consequence, the engaging and locking stroke of the cooperating lock elements is not a natural approach by the user of bringing the shield closer to the mask and pressing downward, but instead is a pressure inward and upward, in the direction of arrow 82.

### **VIII. 35 U.S.C. § 103**

#### **A. Dubruille**

The Examiner has rejected claim 24 under 35 U.S.C. § 103(a) as being obvious over Dubruille. The Examiner admits that Dubruille does not teach a conical cavity but submits that it would be an obvious design change for the trapezoidal slideway to be conically shaped. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Claim 24 depends from claims 22 and 23; it should be considered patentable at least due to the reasons described above.

#### **B. Sword in view of Disney**

The Examiner has rejected claims 41 and 42 under 35 U.S.C. § 103(a) as being obvious over Sword in view of U.S. Patent No. 4,774,939 to Disney. The Examiner admits that Sword does not teach a support for attaching the shield when not attached to the masks but submits that Disney discloses a storage means for masks and eye shields. The Examiner's position is that it would have been obvious to combine the Disney storage system

with the device of Sword. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Disney reference does not describe or suggest a support for an eye-protective shield support that comprises a first lock element that can cooperate with a second lock element of the eye-protective shield in order to secure the shield by bringing the shield closer to the support using a downward component directed towards an inside of the support in order to fix the shield to the support. The storage container 120 simply has supports 154 onto which the breathing apparatus 104, 114 can hang. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Conclusion**

For at least the above reasons, Applicants respectfully request allowance of the pending claims and issuance of a patent containing these claims in due course. If the Examiner believes there are any issues that can be resolved via a telephone conference, or there are any informalities that can be corrected by an Examiner's amendment, please call Kristin Crall at 404.815.6147.

Respectfully submitted,

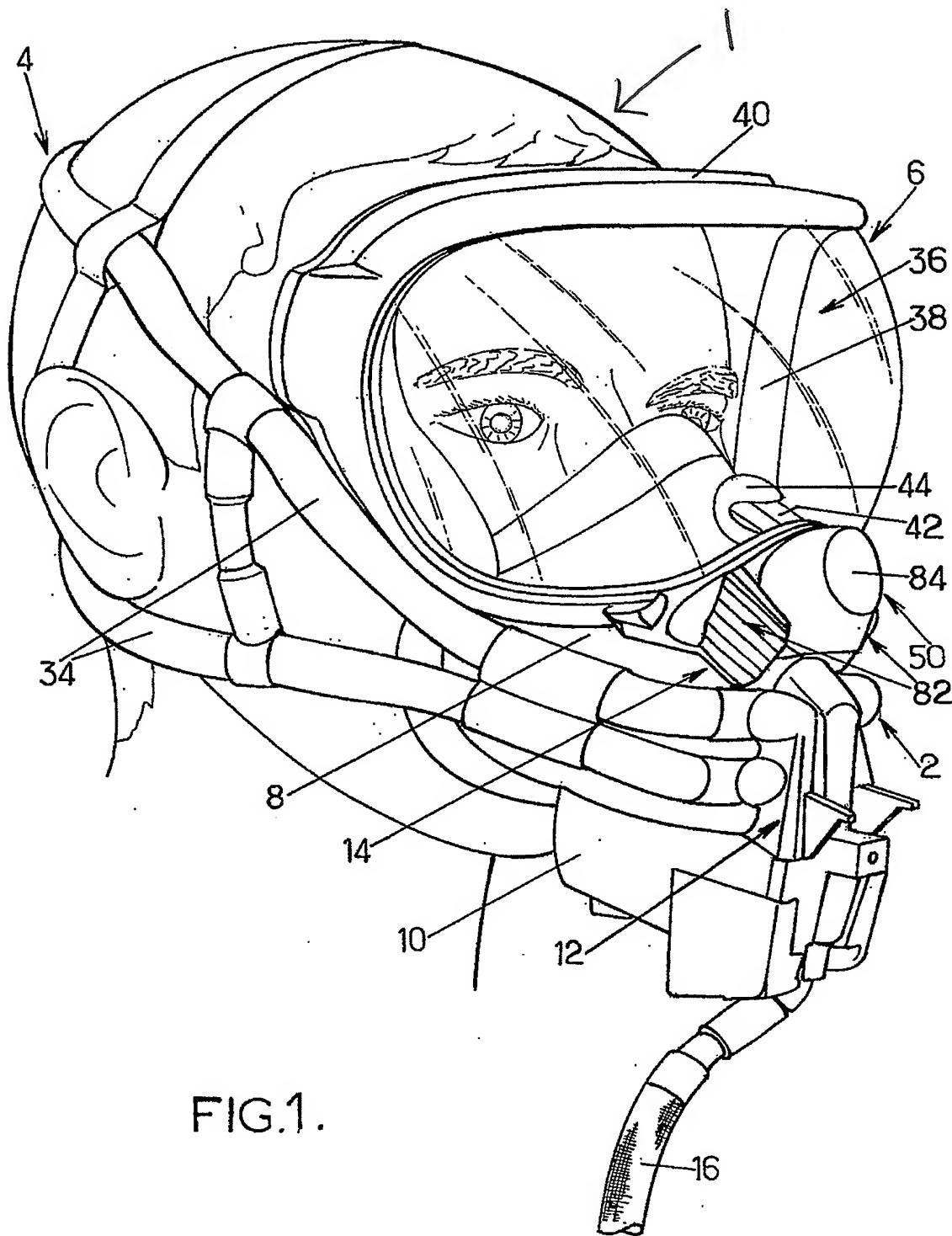
/Kristin M. Crall 46,895/

---

Kristin M. Crall  
Reg. No. 46,895

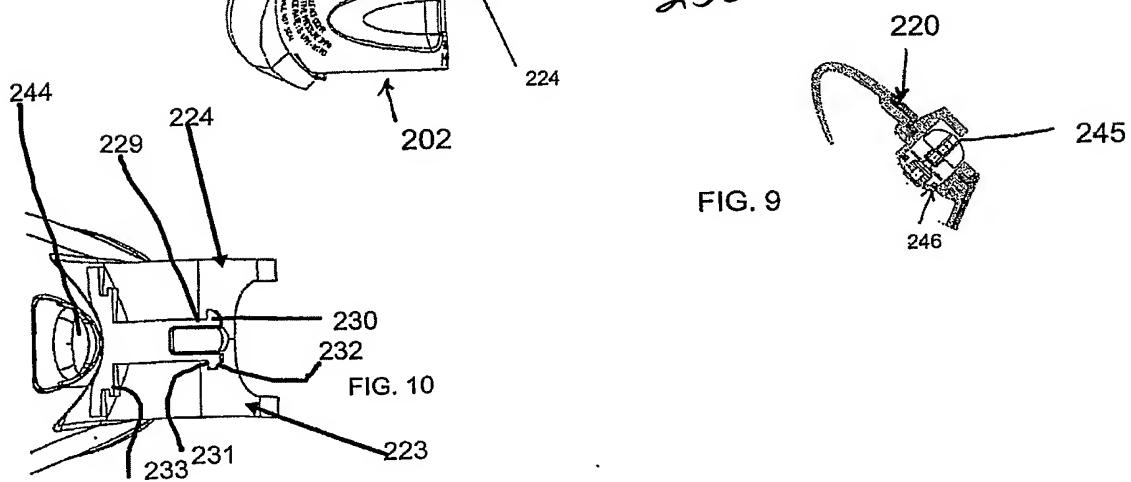
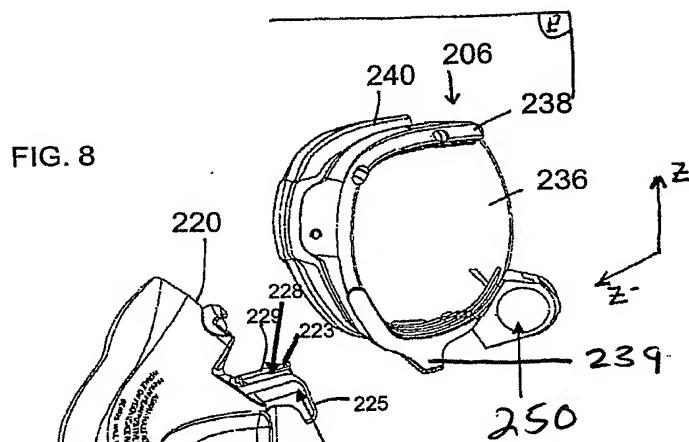
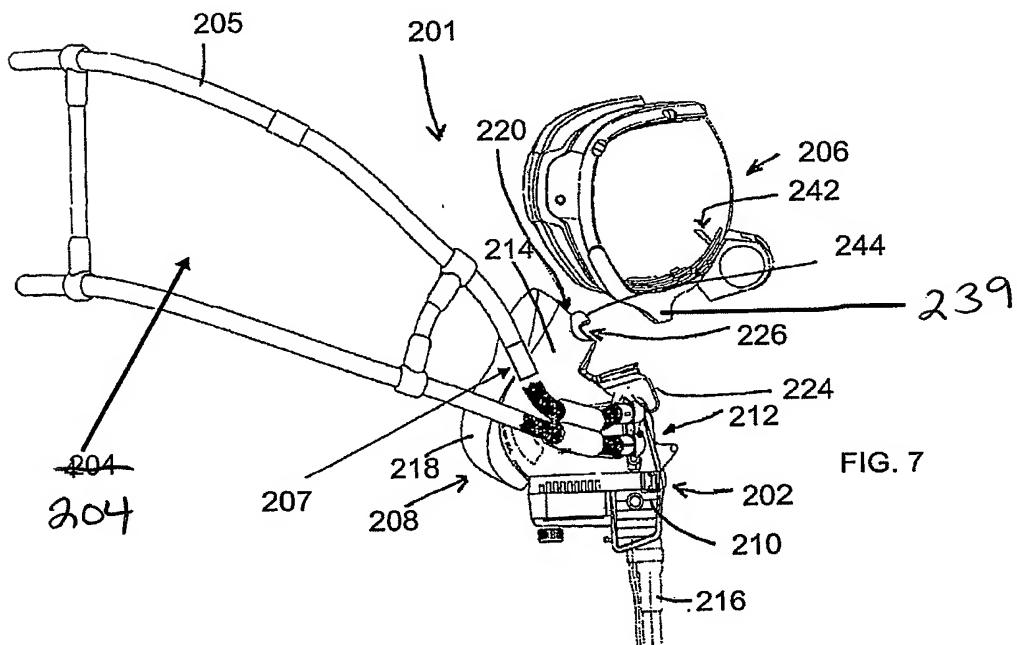
KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia, 30309-4530  
404.815.6147

**ANNOTATED SHEET SHOWING CHANGES**



**FIG.1.**

# ANNOTATED SHEET SHOWING CHANGES



# ANNOTATED SHEET SHOWING CHANGES

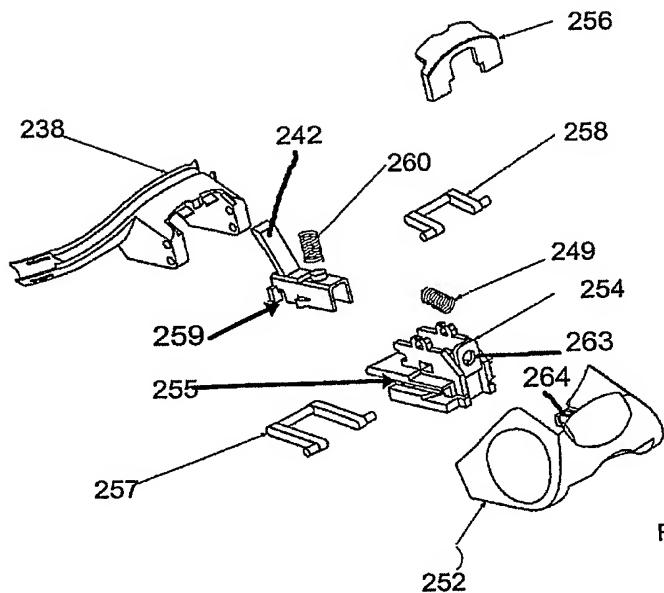


FIG. 11

